

REMARKS / ARGUMENTS

I. General Remarks

Attorney for Applicants received a call from Examiner Figueroa on September 7, 2010. In that call Examiner Figueroa stated that following Applicants last response he was withdrawing the rejection over *Pauls* '728 and maintaining the double patenting rejection over *Schriener* '278, and he proposed either an amendment or a terminal disclaimer in order to put the case in condition for allowance. Thus, Applicants submit herewith a terminal disclaimer over *Schriener* '278 (U.S. Patent No. 7,497,278 to *Schriener et al.*) in order to put the case in condition for allowance.

II. Summary

In light of the above remarks and the terminal disclaimer submitted herewith, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the undersigned attorney by telephone, facsimile, or electronic mail.

Applicants hereby authorize the Commissioner to debit the Deposit Account of McDermott Will & Emery, Deposit Account No. 500417, Order Number 086108.0172, in the amount of \$140.00 under 37 C.F.R. 1.20(d) for a statutory disclaimer. Applicants believe that no additional fees are due in association with the filing of this response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefore, and direct that any additional fees be charged to McDermott Will & Emery's Deposit Account No. 500417, Order Number 086108-0172.

Respectfully submitted,

/Iona N. Kaiser/
Iona N. Kaiser
Reg. No. 53,086
McDermott Will & Emery
1000 Louisiana, Suite 3900
Houston, TX 77002-5005
Telephone: 713.653.1724
Facsimile: 713.739.7592
Email: ikaiser@mwe.com

Date: September 8, 2010